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Attorneys for Defendant,
UNITED STATES DEPARTMENT OF JUSTICE

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

RICHARD WAYNE PARKER,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE - OFFICE OF INFORMATION
AND PRIVACY, FEDERAL BUREAU OF
INVESTIGATION, DRUG
ENFORCEMENT ADMINISTRATION,

Defendants.

No. 2:10-cv-65-MCE-EFB

**DEFENDANT'S CONSENSUAL
EX PARTE APPLICATION TO
EXTEND TIME TO FILE
MOTION**

The United States Department of Justice, defendant, under LR 144(c), applies ex parte for a two-week extension of its time to file its dismissal and summary judgment motion, from June 15, 2011, set by Order filed February 15, 2011, until June 29, 2011. The reason is that the expected declaration from one of the components has not been received. As is shown by the declaration below, plaintiff has consented to this extension.

Dated: June 14, 2011

BENJAMIN B. WAGNER
United States Attorney

By: /s/ YHimel
YOSHINORI H. T. HIMEL
Assistant U. S. Attorney

DECLARATION OF YOSHINORI H. T. HIMEL

YOSHINORI H. T. HIMEL declares under 28 U.S.C. 1746(2):

1. I am an Assistant United States Attorney in the office of the United States Attorney for the Eastern District of California, and am assigned the above-captioned case.

2. I plan to move for dismissal of the defendant Department of Justice components for lack of subject matter jurisdiction; summary judgment on plaintiff's FOIA request to the Federal Bureau of Investigation; and summary judgment on plaintiff's FOIA request to the Drug Enforcement Administration.

3. The motion requires declarations from the FBI and the DEA. One of those has unexpectedly failed to complete its declaration.

4. On June 14, 2011, Pamela Beauvais of this office spoke with plaintiff to find out his position on the requested extension. He consented to the extension if I would consent to extend his time to oppose the motion if he is locked down. By letter dated June 14, 2011, I expressed my consent. A copy of the letter is attached.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 14, 2011.

/s/ YHimel
YOSHINORI H. T. HIMEL

ORDER

It is APPROVED and SO ORDERED. Defendants' request for a two-week extension of its time to file its dismissal and summary judgment motion is granted and the motion shall be filed not later than June 29, 2011.

DATED: June 16, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE